

IN THE MATTER OF THE
J.R. DEVELOPMENT CORPORATION
FOR A ZONING RECLASSIFICATION
FROM D.R.5.5/D.R.10.5 TO 0-2
ON PROPERTY LOCATED ON THE
SOUTH SIDE OF JOHNNYCAKE ROAD,
310' + 1250' WEST OF FAIRBROOK
ROAD, ALSO 1600' + 2110'
SOUTH RESPECTIVELY TO
BEGINNING POINTS
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

OPINION

This case is based on a Petition for Reclassification, seeking a zoning classification of the property from a D.R.5.5 and D.R.10.5 zone to an O-2 zone. Prior to the taking of testimony, a communication to the Board of Appeals from the Planning Board stipulated that the Office of Planning and Zoning and the Planning Board recommended that the Petitioner's request be granted. This case was heard this day in its entirety.

Counsel for the Petitioner opened his case by reviewing the issue of the 1988 Comprehensive Map Process when two parcels adjacent to each other were granted the present classification of D.R.10.5 and 0-2. The two parcels in that 1988 map process were the Plotkin Property and the Azrael Property, which were originally platted in 1908 as farming parcels provided by the Russian Jewish Colonial Society for immigrant farmers.

In the 1988 map process, Counsel for the Petitioner contended that the Baltimore County Council intended, in granting the reclassification, that the zoning line follow the property line; which in fact, was not done, leaving a small strip of land (2.040

J.R. Development Corporation, Case No. R-90-402

acres) in a D.R.5.5 zone rather than 0-2. David S. Thaler, testifying as an expert land planner and engineer, reviewed the difficulties of providing the documents of this historical area for the 1988 map process for the Petitioner. His maps were based on the old Tax Maps his staff was able to research. However, a recent field survey in a County Review Group (CRG) procedure accurately pointed to the "mislocation" of the zoning line with that of the actual property line. Consequently, the Petitioner in today's hearing requests that this narrow D.R.5.5 strip of land (2 acres) running parallel to the 47 acre parcel of 0-2 zone be zoned likewise, correcting what was obviously a drafting error.

William Hughey, of the Office of Planning and Zoning, testified to his participation as the Patapsco area planner in the 1988 map process. Mr. Hughey concurred that his staff recommended to the Planning Board that the entire site be 0-2 and that the zoning line follow the property line. Everything to the east of the west property line was to be 0-2, he recalled.

Deputy People's Counsel expressed agreement that the "strip" obviously appears to be a drafting error. However, his stance in the matter was that the County Council did not make an "error" in the zoning map process, which he credited to the Office of Planning. Counsel also questioned the urgency of the matter, as there were no immediate plans for this property that couldn't wait for the 1992 Comprehensive Map Classification.

A "side issue" in this case pertains to a very small parcel

J.R. Development Corporation, Case No. R-90-402

(.03 acre) on the east property line of the 47 acre site, which is zoned D.R.10.5. Petitioner requests that the unusable parcel, which lies east of the north-south property boundary, also be zoned 0-2. The status of this minuscule property held no consequence in today's hearing for the Petitioner, except that it be included in the total area of 0-2 zoning.

In consideration of the primary purpose of Petitioner's appeal, a desire to correct an error in the drafting location of zoning lines, and the recommendations of the Baltimore County Office of Planning and Zoning, the Board finds that the Petition for 0-2 Reclassification should be granted for both parcels, as requested.

ORDER

IT IS THEREFORE this 23rd day of October, 1990 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Reclassification of the properties to 0-2 be and the same is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Harry E. Buchheiser, Jr.
Harry E. Buchheiser, Jr.

C. William Clark
C. William Clark

April 17, 1990

NOTICE OF HEARING

Petitions for Zoning Re-classification
CASE NUMBER: R-90-402
S/S Johnnycake Road, 310' and 1250' W of Fairbrook Road
1600' +/- and 2110' South respectively to beginning points
Legal Owner(s): J. R. Development Corporation

Petition to reclassify the property from an D.R.5.5 and D.R.10.5 to an O-2 zone.

TIME: 10:00 a.m.
DATE: TUESDAY, SEPTEMBER 25, 1990
LOCATION: County Office Building, Room 301
111 W. Chesapeake Avenue
Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

cc: J. R. Development
Jonathan A. Azrael, Esq.
File

THIS IS TO ADVISE YOU THAT YOU WILL BE BILLED BY THE ZONING OFFICE FOR ADVERTISING AND POSTING COSTS WITHIN RESPECT TO THIS CASE APPROXIMATELY A WEEK BEFORE THE HEARING. THIS FEE MUST BE PAID AND THE SIGN AND POST RETURNED TO THE ZONING OFFICE ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE ISSUED.

W.T.H.

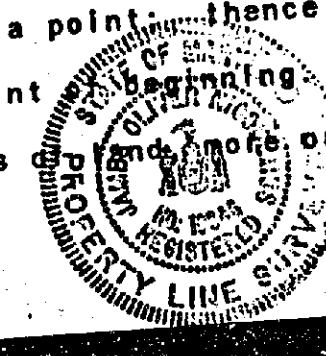
DESCRIPTION OF A PORTION OF THE PROPERTY OF J.R. DEVELOPMENT CORPORATION: TO ACCOMPANY PETITION FOR RECLASSIFICATION

Beginning for the first at a point referenced on the Plat to Accompany Zoning Reclassification Petition dated 2/27/90, as point number 703, said point being 2119.28 feet Southwest of point 1010 in Johnnycake Road, the last point being approximately 1250 feet west of the intersection of the north leg of Johnnycake Road with Fairbrook Road; thence running with and binding upon the existing Zoning Line the following two courses and distances: South 17 50'24" West 69.64 feet to a point; thence South 43 21'21" West 1047.92 feet to a point; thence running with the Southern property line of the aforesaid Plat, North 85 27'11" West 38.50 feet; thence running with the proposed revised Zoning Line North 43 21'21" East 1134.90 feet to the point of beginning

Containing 0.75 acre of land, more or less.

Beginning for the second at a point referenced on the aforesaid Plat as point CL 15, said point being approximately 1690 feet more or less southwest of Johnnycake Road, and from there being approximately 310 feet West of the aforesaid intersection at Fairbrook Road; thence South 60 44'30" East 31.67 feet to a point; thence South 29 15'30" West 46.20 feet to a point; thence North 60 44'30" West 31.75 feet to a point; thence North 29 21'52" East 46.20 feet to the point of beginning

Containing 0.03 acres of land, more or less.



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 881-3353
J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

J. R. Development Corporation
401 Washington Avenue, Suite 502
Towson, Maryland 21204

Re: Petitions for Zoning Re-classification
CASE NUMBER: R-90-402
S/S Johnnycake Road, 310' and 1250' W of Fairbrook Road
1600' +/- and 2110' South respectively to beginning points
Legal Owner(s): J. R. Development Corporation
Hearing Scheduled: TUESDAY, SEPTEMBER 25, 1990 at 10:00 a.m.

Dear Petitioner(s):

This is to advise you that \$40.66 is due for advertising and posting of the above property. This fee must be paid before an order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and remit it to Ms. G. Stephens, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, before the hearing.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

cc: File
Jonathan A. Azrael, Esq.

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R.5.5 and D.R.10.5 zone to an O-2 zone, for the reasons given in the attached statement; and (2) to request a Special Exception and/or Variance, as set forth in the attached statement, from the Baltimore County Board of Appeals, to allow the herein described property to be used in accordance with the Zoning Regulations of Baltimore County.

for _____

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

J. R. Development Corporation

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Suite 502

401 Washington Avenue

Address

Towson, Maryland 21204

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Jonathan A. Azrael

Name

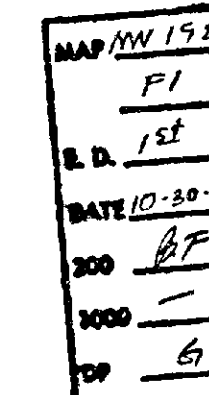
401 Washington Avenue, Suite 502

Address

Towson, Maryland 21204

City and State

Phone No.



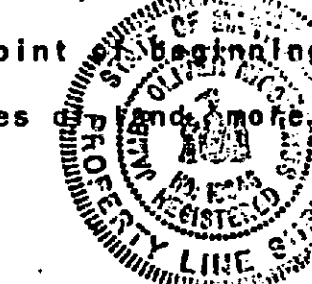
DESCRIPTION OF A PORTION OF THE PROPERTY OF J.R. DEVELOPMENT CORPORATION: TO ACCOMPANY PETITION FOR RECLASSIFICATION

Beginning for the first at a point referenced on the Plat to Accompany Zoning Reclassification Petition dated 2/27/90, as point number 703, said point being 2119.28 feet Southwest of point 1010 in Johnnycake Road, the last point being approximately 1250 feet west of the intersection of the north leg of Johnnycake Road with Fairbrook Road; thence running with and binding upon the existing Zoning Line the following two courses and distances: South 17 50'24" West 69.64 feet to a point; thence South 43 21'21" West 1047.92 feet to a point; thence running with the Southern property line of the aforesaid Plat, North 85 27'11" West 38.50 feet; thence running with the proposed revised Zoning Line North 43 21'21" East 1134.90 feet to the point of beginning

Containing 0.75 acre of land, more or less.

Beginning for the second at a point referenced on the aforesaid Plat as point CL 15, said point being approximately 1690 feet more or less southwest of Johnnycake Road, and from there being approximately 310 feet West of the aforesaid intersection at Fairbrook Road; thence South 60 44'30" East 31.67 feet to a point; thence South 29 15'30" West 46.20 feet to a point; thence North 60 44'30" West 31.75 feet to a point; thence North 29 21'52" East 46.20 feet to the point of beginning

Containing 0.03 acres of land, more or less.



IN THE MATTER OF THE
THE APPLICATION OF
J.R. DEVELOPMENT CORPORATION
FOR A ZONING RECLASSIFICATION
FROM D.R.5.5/D.R.10.5 TO 0-2
ON PROPERTY LOCATED ON THE
SOUTH SIDE OF JOHNNYCAKE ROAD,
310' + 1250' WEST OF FAIRBROOK
ROAD, ALSO 1600' + 2110'
SOUTH RESPECTIVELY TO
BEGINNING POINTS
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

OPINION

This case is based on a Petition for Reclassification, seeking a zoning classification of the property from a D.R.5.5 and D.R.10.5 zone to an 0-2 zone. Prior to the taking of testimony, a communication to the Board of Appeals from the Planning Board stipulated that the Office of Planning and Zoning and the Planning Board recommended that the Petitioner's request be granted. This case was heard this day in its entirety.

Counsel for the Petitioner opened his case by reviewing the issue of the 1988 Comprehensive Map Process when two parcels adjacent to each other were granted the present classification of D.R.10.5 and 0-2. The two parcels in that 1988 map process were the Plotkin Property and the Azrael Property, which were originally platted in 1908 as farming parcels provided by the Russian Jewish Colonial Society for immigrant farmers.

In the 1988 map process, Counsel for the Petitioner contended that the Baltimore County Council intended, in granting the reclassification, that the zoning line follow the property line; which in fact, was not done, leaving a small strip of land (2.040

J.R. Development Corporation, Case No. R-90-402

2
acres) in a D.R.5.5 zone rather than 0-2.

David S. Thaler, testifying as an expert land planner and engineer, reviewed the difficulties of providing the documents of this historical area for the 1988 map process for the Petitioner.

His maps were based on the old Tax Maps his staff was able to research. However, a recent field survey in a County Review Group (CRG) procedure accurately pointed to the "mislocation" of the zoning line with that of the actual property line. Consequently, the Petitioner in today's hearing requests that this narrow D.R.5.5 strip of land (2 acres) running parallel to the 47 acre parcel of 0-2 zone be zoned likewise, correcting what was obviously a drafting error.

William Hughey, of the Office of Planning and Zoning, testified to his participation as the Patapsco area planner in the 1988 map process. Mr. Hughey concurred that his staff recommended to the Planning Board that the entire site be 0-2 and that the zoning line follow the property line. Everything to the east of the west property line was to be 0-2, he recalled.

Deputy People's Counsel expressed agreement that the "strip" obviously appears to be a drafting error. However, his stance in the matter was that the County Council did not make an "error" in the zoning map process, which he credited to the Office of Planning. Counsel also questioned the urgency of the matter, as there were no immediate plans for this property that couldn't wait for the 1992 Comprehensive Map Classification.

A "side issue" in this case pertains to a very small parcel

J.R. Development Corporation, Case No. R-90-402

3
(.03 acre) on the east property line of the 47 acre site, which is zoned D.R.10.5. Petitioner requests that the unusable parcel, which lies east of the north-south property boundary, also be zoned 0-2. The status of this minuscule property held no consequence in today's hearing for the Petitioner, except that it be included in the total area of 0-2 zoning.

In consideration of the primary purpose of Petitioner's appeal, a desire to correct an error in the drafting location of zoning lines, and the recommendations of the Baltimore County Office of Planning and Zoning, the Board finds that the Petition for 0-2 Reclassification should be granted for both parcels, as requested.

ORDER

IT IS THEREFORE this 23rd day of October, 1990 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Reclassification of the properties to 0-2 be and the same is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

C. William Clark
C. William Clark

NOTICE OF HEARING

Petition for Zoning Re-classification
CASE NUMBER: R-90-402
S/S Johnnycake Road, 310' and 1250' W of Fairbrook Road
1st Election District - 1st Councilmanic
1600' +/- and 2110' South respectively to beginning points
Legal Owner(s): J. R. Development Corporation

Property Description

Beginning for the first at a point referenced on the Plat to Accompany Zoning Reclassification Petition, as point number 703, said point being 2119.38 feet Southwest of point 1010 in Johnnycake Road, the last point being approximately 1250 feet west of the intersection of the north leg of Johnnycake with Fairbrook Road; thence running with and binding upon the existing zoning line the following two courses and distances: South 17° 50' 24" West 69.64 feet to a point; thence South 43° 21' 21" West 1047.92 feet to a point; thence running with the Southern property line of the aforesaid Plat, North 85° 27' 11" West 38.50 feet; thence running with the proposed revised Zoning Line North 43° 21' 21" East 1134.90 feet to the point of beginning.
Containing 0.75 acres of land, more or less.
Beginning for the second at a point referenced on the aforesaid Plat as point CL 15, said point being approximately 1600 feet more or less southwest of Johnnycake Road, and from there being approximately 310 feet West of the aforesaid intersection at Fairbrook Road; thence South 60° 44' 30" East 31.67 feet to a point; thence South 23° 19' 30" West 46.20 feet to a point; thence North 60° 44' 30" West 31.75 feet to a point; thence North 29° 21' 52" East 45.26 feet to the point of beginning.
Containing 0.03 acres of land, more or less.

Petition to reclassify the property from an D.R.5.5 and D.R.10.5 to an 0-2 zone.

TIME: 10:00 a.m.

DATE: TUESDAY, SEPTEMBER 25, 1990

LOCATION: County Office Building, Room 301
111 W. Chesapeake Avenue
Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

IN RE: * BEFORE THE
PETITION FOR RECLASSIFICATION * COUNTY BOARD
FROM D.R. 5.5 and D.R. 10.5 * OF APPEALS
TO 0-2 ZONE, etc. *
J.R. DEVELOPMENT CORPORATION, * FOR BALTIMORE COUNTY
Petitioners * CASE NO: R-90-402
(Item 3, Cycle III)

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

TO: William Hughey
Department of Planning and Zoning
Civil Courts Building
Baltimore County
Towson, Maryland 21204

YOU ARE HEREBY SUBPOENAED to appear in person and testify before the County Board of Appeals for Baltimore County, 3rd Floor, County Office Building, Towson, Maryland at 10:00 a.m. on Tuesday, September 25, 1990.

In addition, you are asked to produce at that time the following documents:

1. The complete file for the rezoning of the subject property, which occurred as part of the 1988 Comprehensive Process, being Comprehensive Zoning Map Issues 1-026 and 1-014.

This Subpoena was requested by Jonathan A. Azrael, Esquire and Azrael, Gann & Franz whose address is 101 E. Chesapeake Avenue, Fifth Floor, Towson, Maryland, 21204 and whose phone number is (301) 821-1288

LAW OFFICES
AZRAEL, GANN
AND FRANZ
TOWSON, MD

RECEIVED
COUNTY BOARD OF APPEALS
SEP 24 PM 2:40

RECEIVED
COUNTY BOARD OF APPEALS
SEP 19 PM 3:09

Date

I CERTIFY that I delivered the original of this Subpoena to
William Hughey, on this 20th day of
September, 1990.

Signature

Title

LAW OFFICES
AZRAEL, GANN
AND FRANZ
TOWSON, MD

April 17, 1990

NOTICE OF HEARING

Petition for Zoning Re-classification
CASE NUMBER: R-90-402
S/S Johnnycake Road, 310' and 1250' W of Fairbrook Road
1600' +/- and 2110' South respectively to beginning points
Legal Owner(s): J. R. Development Corporation

Petition to reclassify the property from an D.R.5.5 and D.R.10.5 to an 0-2 zone.

TIME: 10:00 a.m.

DATE: TUESDAY, SEPTEMBER 25, 1990

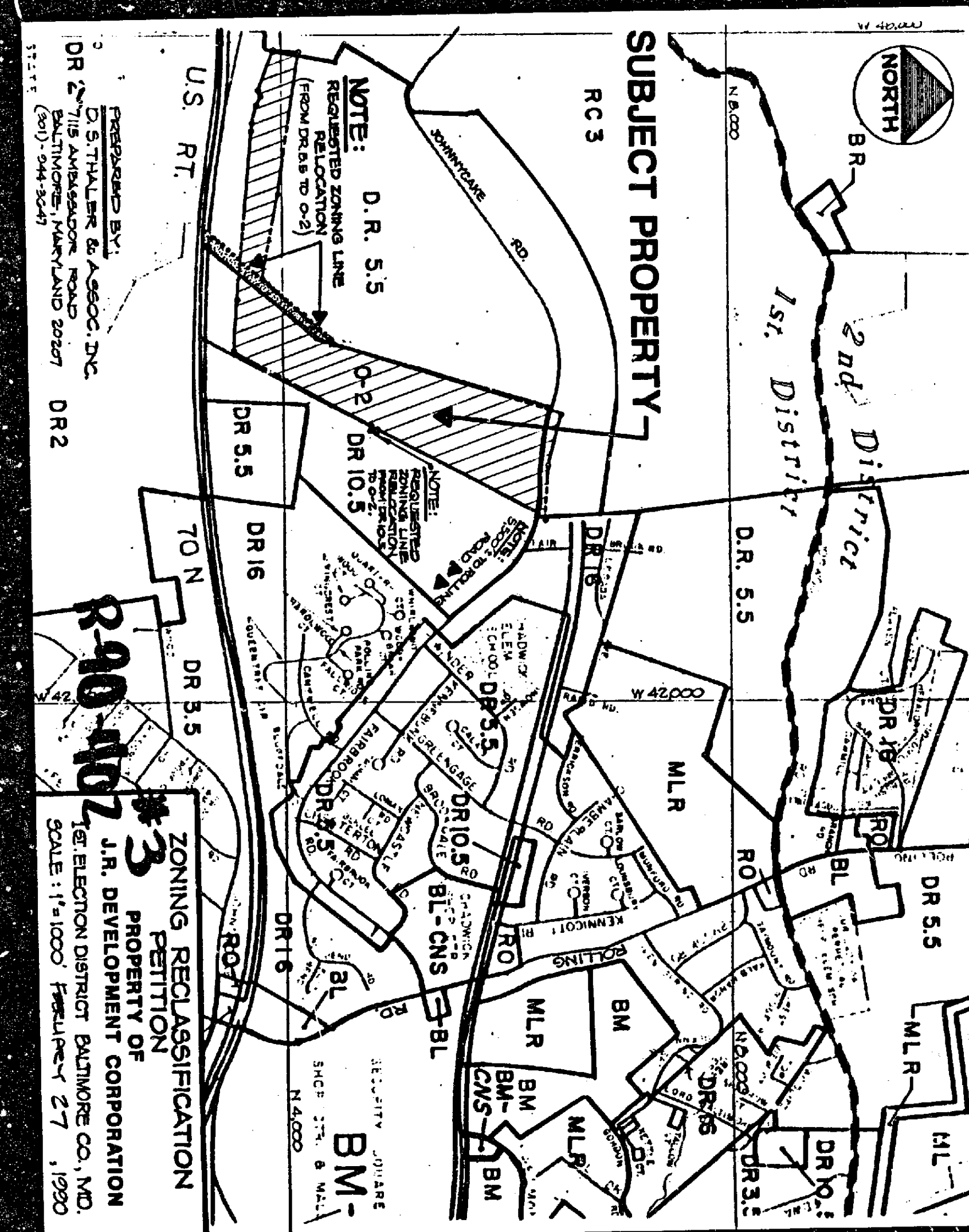
LOCATION: County Office Building, Room 301
111 W. Chesapeake Avenue
Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

cc: J. R. Development
Jonathan A. Azrael, Esq.
File

THIS IS TO ADVISE YOU THAT YOU WILL BE BILLED BY THE CLERK'S OFFICE FOR ADVERTISING AND POSTING COSTS WITH RESPECT TO THIS CASE APPROXIMATELY A WEEK BEFORE THE HEARING. THIS FEE MUST BE PAID AND THE STAMP AND POST RETURNED TO THE CLERK'S OFFICE ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE ISSUED.

W.T.H.



1988 COMPREHENSIVE ZONING MAP

D. S. Thaler & Associates, Inc.
11 Warren Road, Baltimore, Maryland 21208
(301) 484-4100
Civil Engineers - Surveyors - Landscape Architects

1988 COMPREHENSIVE ZONING MAP

D. S. Thaler & Associates, Inc.
11 Warren Road, Baltimore, Maryland 21208
(301) 484-4100
Civil Engineers - Surveyors - Landscape Architects

3. When the 1988 Zoning Map was drawn, however, there was a drafting error. The zoning line was to follow and be coincident with the western boundary of the Property, as shown on the accompanying Plat, but the location of the western boundary of the

TO HAVE AND TO HOLD, the said described parcels or lots of
ground and premises firstly and secondly described, and an

0 0737644059472002 07321

1902.10
1903.43
32

EXHIBIT No. 1-1

3. When the 1988 Zoning Map was drawn, however, there was a drafting error. The zoning line was to follow and be coincident with the western boundary of the Property, as shown on the accompanying Plat, but the location of the western boundary of the

1

WHEREFORE, plaintiff, J.R. Development Corporation, respectfully requests the Board of Appeals to pass an order to correct the zoning records by rezoning a portion of the Property to O-2 from D.R.5.5., so that it would have its proper O-2 zoning classification.

Peter Max Zimmerman
 Peter Max Zimmerman
 Deputy People's Counsel
 Room 304, County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204
 (301) 887-2188

RECEIVED
COMMUNITY BOARD OF APPEALS
APR 24 PM 1:33
Peter Max Zimmerman
Peter Max Zimmerman

Containing 0.03 acres of land, more or less.

CYCZNR90.402/CYCL

35

CASE NO. R90-402

CYCLE III, ITEM 3

PETITIONER

J. R. Development Corporation

REQUESTED ACTION

Reclassification to O-2 (Office Park)

EXISTING ZONING

D.R. 5.5 and 10.5 (Density Residential)

LOCATION

Southside Johnnycake Road, 310 ft. plus 1,250 ft. west of Fairbrook Road; also 1,650 ft. plus 2,119 ft. south, respectively to beginning points.

AREA OF SITE

.78 acres

ZONING OF ADJACENT PROPERTY/USE

North - D.R.5.5, Unimproved/Baltimore Gas and Electric Company pipeline
South - D.R.2, Interstate 70
East - D.R.5.5, Detached single-family residential
West - D.R.10.5, Unimproved

SITE DESCRIPTION

The site is currently unimproved.

PROPERTIES IN THE VICINITY

The subject parcel abuts a larger parcel of O-2 zoned land. The O-2 property is located between two large residential townhouse developments. North of Johnnycake Road is a strip of undeveloped D.R.5.5 zoning, about 350 ft. deep. Beyond the strip of D.R.5.5 is undeveloped R.C.3 zoned acreage.

WATER AND SEWERAGE

The parcel is served by public water and sewer. The area is designated as W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS

Ingress and egress to the site is from Johnnycake Road, a minor arterial.

33

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
FROM D.R. 5.5 AND D.R. 10.5 : OF BALTIMORE COUNTY
TO O-2 ZONE :
S/S Johnnycake Rd., 310' + : Case No. R-90-402 (Item 3, Cycle III)
1250' W of Fairbrook Rd., Also :
1600' + 2119' S Respectively :
To Beginning Points, 1st Election :
Dist.: 1st Councilmanic Dist. :
J. R. DEVELOPMENT CORPORATION, :
Petitioner :

PEOPLE'S COUNSEL'S LIST OF EXHIBITS

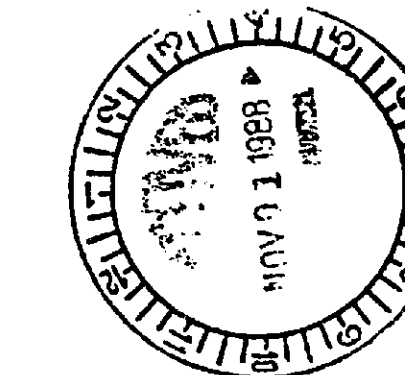
The Recommended Baltimore County Comprehensive Zoning Map, Log of Issues, June 28, 1988, A Report by the Baltimore County Planning Board for Public Hearings by the Baltimore County Council 1
Baltimore County Council Minutes, October 13, 1988 6
Report by the Baltimore County Planning Board to the Baltimore County Board of Appeals Zoning Reclassification Petitions, Cycle III, 1990, July 31, 1990 9

People's Exhibit #1

**THE RECOMMENDED
BALTIMORE COUNTY
COMPREHENSIVE ZONING MAP**

Log of Issues, June 28, 1988

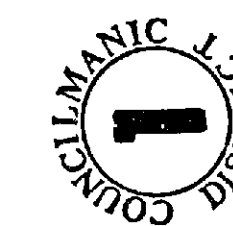
A Report by the
Baltimore County Planning Board
For Public Hearings by the
Baltimore County Council



**THE RECOMMENDED
BALTIMORE COUNTY
COMPREHENSIVE ZONING MAP**

Log of Issues, June 28, 1988

A Report by the
Baltimore County Planning Board
For Public Hearings by the
Baltimore County Council



DATE: 07/07/88
SHEET: 2

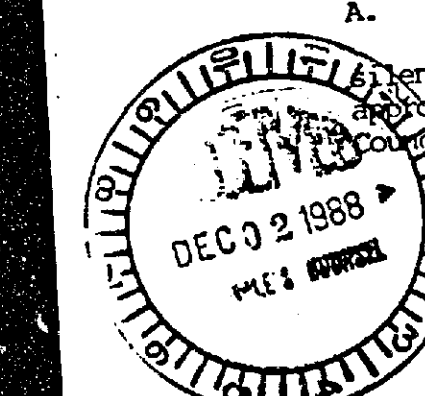
NO.	SPONSOR, OWNER, PETITIONER, OR APPLICANT ON BEHALF OF	LOCATION	EXISTING ZONING	REQUESTED ZONING	COMMENTS
1-008	John T. Hester	at side of Ridge Rd. 1100' S of Deposed Rd.	R.C. 3	R.C. 5	Part of Issue 1-110 (Petitioner)
1-009	Allen Lee Parsons by John Hester	at side of Ridge Rd. 1100' S of Deposed Rd.	R.C. 3	R.C. 5	See Issue 1-048, 1-051
1-010	Linda S. Lloyd	at side of Ridge Rd. 1100' S of Deposed Rd.	R.C. 3	R.C. 5	Request withdrawn by owner 1/18/88
1-011	Jeffrey Folmer	at side of Ridge Rd. 1100' S of Deposed Rd.	R.C. 3	R.C. 5	Part of Issue 1-110 (Petitioner)
1-012	James E. Smith by S. J. Thane	at side of Ridge Rd. 1100' S of Deposed Rd.	R.C. 3	R.C. 5	Part of Issue 1-110 (Petitioner)
1-013	Charles E. Smith by David E. Smith	at side of Ridge Rd. 1100' S of Deposed Rd.	R.C. 3	R.C. 5	Part of Issue 1-110 (Petitioner)

DATE: 06/22/88
SHEET: 4

NO.	SPONSOR, OWNER, PETITIONER, OR APPLICANT ON BEHALF OF	LOCATION	EXISTING ZONING	REQUESTED ZONING	COMMENTS
1-024	James E. Smith by S. J. Thane	at side of Ridge Rd. 1100' S of Deposed Rd.	R.C. 3	R.C. 5	Part of Issue 1-110 (Petitioner)
1-025	James E. Smith by S. J. Thane	at side of Ridge Rd. 1100' S of Deposed Rd.	R.C. 3	R.C. 5	Part of Issue 1-110 (Petitioner)
1-026	James E. Smith by S. J. Thane	at side of Ridge Rd. 1100' S of Deposed Rd.	R.C. 3	R.C. 5	Part of Issue 1-110 (Petitioner)
1-027	James E. Smith by S. J. Thane	at side of Ridge Rd. 1100' S of Deposed Rd.	R.C. 3	R.C. 5	Part of Issue 1-110 (Petitioner)
1-028	James E. Smith by S. J. Thane	at side of Ridge Rd. 1100' S of Deposed Rd.	R.C. 3	R.C. 5	Part of Issue 1-110 (Petitioner)
1-029	James E. Smith by S. J. Thane	at side of Ridge Rd. 1100' S of Deposed Rd.	R.C. 3	R.C. 5	Part of Issue 1-110 (Petitioner)

DATE: 06/22/88
SHEET: 16

NO.	SPONSOR, OWNER, PETITIONER, OR APPLICANT ON BEHALF OF	LOCATION	EXISTING ZONING	REQUESTED ZONING	COMMENTS
1-107	James E. Smith by S. J. Thane	at side of Ridge Rd. 1100' S of Deposed Rd.	R.C. 3	R.C. 5	Part of Issue 1-110 (Petitioner)
1-108	James E. Smith by S. J. Thane	at side of Ridge Rd. 1100' S of Deposed Rd.	R.C. 3	R.C. 5	Part of Issue 1-110 (Petitioner)
1-109	James E. Smith by S. J. Thane	at side of Ridge Rd. 1100' S of Deposed Rd.	R.C. 3	R.C. 5	Part of Issue 1-110 (Petitioner)
1-110	James E. Smith by S. J. Thane	at side of Ridge Rd. 1100' S of Deposed Rd.	R.C. 3	R.C. 5	Part of Issue 1-110 (Petitioner)
1-111	James E. Smith by S. J. Thane	at side of Ridge Rd. 1100' S of Deposed Rd.	R.C. 3	R.C. 5	Part of Issue 1-110 (Petitioner)
1-112	James E. Smith by S. J. Thane	at side of Ridge Rd. 1100' S of Deposed Rd.	R.C. 3	R.C. 5	Part of Issue 1-110 (Petitioner)



A. The meeting was called to order by Chairman Volz at 7:30 P.M. The Chairman then asked the audience to rise for a moment of silent meditation and the Pledge of Allegiance to the Flag. There were approximately 200 persons in attendance and the following Councilmembers were present:

MELVIN G. MINTZ
C.A. DUTCH RUPPERSBERGER, III
BARBARA F. BACHUR
NORMAN W. LAUNSTEIN
WILLIAM R. EVANS
DALE T. VOLZ

SECOND DISTRICT
THIRD DISTRICT
FOURTH DISTRICT
FIFTH DISTRICT
SIXTH DISTRICT
SEVENTH DISTRICT

B. CALL OF BILLS FOR FINAL READING AND VOTE

BILL NO. 144-88, Comprehensive Zoning Maps - First District, was called. Councilman Volz moved to accept the Planning Board's recommendation on the following issues: 1-002, 1-006, 1-013, 1-015, 1-017, 1-018, 1-019, 1-020, 1-022, 1-025, 1-028, 1-029, 1-031, 1-032, 1-033, 1-037, 1-038, 1-040, 1-044, 1-045, 1-047, 1-051, 1-052, 1-053, 1-054, 1-055, 1-056, 1-057, 1-058, 1-059, 1-060, 1-061, 1-062, 1-063, 1-064, 1-066, 1-067, 1-068, 1-070, 1-071, 1-074, 1-076, 1-077, 1-079, 1-080, 1-084, 1-085, 1-086, 1-087, 1-088, 1-089, 1-090, 1-091, 1-092, 1-093, 1-096, 1-097, 1-098, 1-099, 1-100, 1-103, 1-104, 1-105, 1-092, 1-093, 1-096, 1-097, 1-098, 1-099, 1-100, 1-103, 1-104, 1-105, 1-107, 1-109, 1-112, 1-113, 1-114, 1-115, 1-116, 1-117, 1-120, 1-121, 1-127. Councilman Mintz seconded the motion and these issues were passed unanimously by the six Councilmembers present.

Chairman Volz then moved for the following changes in the First District Comprehensive Zoning Map:

Issue 1-001 from R0 to DR 5.5. Motion was seconded by Councilwoman Bachur and passed unanimously by the six Councilmembers present.

Issue 1-009 from R0 to DR 3.5. Motion was seconded by Councilman Evans and passed unanimously by the six Councilmembers present.

Issue 1-010 from R0 to R0 and DR 5.5 as shown on the overlay. Motion was seconded by Councilman Evans and passed unanimously by the six Councilmembers present.

Issue 1-021 from R0 to R0 and DR 5.5 as shown on the overlay. Motion was seconded by Councilman Evans and passed unanimously by the six Councilmembers present.

Issue 1-023 from R0 to R0 and DR 5.5 as shown on the overlay. Motion was seconded by Councilman Ruppertsberger and passed unanimously by the six Councilmembers present.

Issue 1-082 from DR 5.5 to DR 5.5 and RO as shown on the overlay. Motion was seconded by Councilman Ruppberger and passed unanimously by the six Councilmembers present.

Issue 1-083 from RO to RO and PL-CC. Motion was seconded by Councilman Ruppberger and passed unanimously by the six Councilmembers present.

Issue 1-095 from BL and RO to BL, RO and DR 3.5. Motion was seconded by Councilman Ruppberger and passed unanimously by the six Councilmembers present.

Issue 1-101 from BL and DR 2 to DR 3.5. Motion was seconded by Councilman Bachur and passed unanimously by the six Councilmembers present.

Issue 1-102 from RM and DR 5.5 to RM and DR 5.5 as shown on the overlay. Motion was seconded by Councilman Evans and passed unanimously by the six Councilmembers present.

Issue 1-106 from DR 5.5 to DR 5.5 and RO as shown on the overlay. Motion was seconded by Councilman Bachur and passed unanimously by the six Councilmembers present.

Issue 1-108 from RM to RC 5. Motion was seconded by Councilman Mintz and passed unanimously by the six Councilmembers present.

Issue 1-111 for the area within boundaries of Issue 1-111 (Central Catonsville), Mr. Hickernell's recommendation is for retention of existing zoning on all properties except as Planning Board recommended for Issues: 1-047, 1-074, and 1-076 plus .26 ac. from RO to recommended for Issues: 1-047, 1-074, and 1-076 plus .32 ac. from PL-CC; 1.6 ac. from RAE-1 to RO; 1.3 ac. from RAE-1 to BL; .32 ac. from DR 5.5 to BL; and 1.20 ac. from DR 5.5 to RO as shown on the overlay. Discussion ensued between the Chairman and staff. Motion was seconded by Councilman Ruppberger and passed unanimously by the six Councilmembers present.

Issue 1-118 from RO and BL-QNS to O-1 and PL-QNS as shown on the overlay. Motion was seconded by Councilman Ruppberger and passed unanimously by the six Councilmembers present.

Issue 1-119 from BL to DR 5.5. Motion was seconded by Councilman Ruppberger and passed unanimously by the six Councilmembers present.

Issue 1-122 from BL to O-1. Motion was seconded by Councilman Ruppberger and passed unanimously by the six Councilmembers present.

Chairman Volz indicated that Councilman Hickernell intended to abstain from all of the following issues. Chairman Volz moved to accept the Planning Board's recommendation on the following issues: 1-003, 1-004, 1-005, 1-007, 1-008, 1-011, 1-012, 1-014, 1-016, 1-024, 1-026, 1-036, 1-046, 1-065, 1-069, 1-073, 1-075, 1-094, 1-110 and 1-111.

-3-

1-110A. Councilman Mintz seconded the motion and these issues were passed unanimously by the six Councilmembers present.

Thereafter, upon motion by Councilman Volz, seconded by Councilman Evans, Bill 144-88, as amended, passed by the following roll call vote:

Aye - Mintz, Ruppberger, Bachur, Lauenstein, Evans, Volz
Nay - None
Absent - Hickernell

BILL NO. 145-88, Comprehensive Zoning Maps - Second District, was called. Councilman Mintz moved to accept the Planning Board's recommendation on the following issues: 2-002, 2-003, 2-004, 2-005, 2-006, 2-008, 2-009, 2-010, 2-011, 2-012, 2-013, 2-014, 2-015, 2-017, 2-019, 2-020, 2-023, 2-024, 2-025, 2-026, 2-027, 2-028, 2-029, 2-031, 2-032, 2-033, 2-034, 2-035, 2-036, 2-037, 2-038, 2-040, 2-042, 2-044, 2-047, 2-049, 2-050, 2-051, 2-052, 2-053, 2-054, 2-055, 2-056, 2-057, 2-058, 2-059, 2-060, 2-061, 2-062, 2-063, 2-064, 2-065, 2-066, 2-067, 2-069, 2-070, 2-072, 2-073, 2-074, 2-077, 2-078, 2-079, 2-080, 2-081, 2-082, 2-084, 2-085, 2-086, 2-087, 2-088, 2-089, 2-091, 2-093, 2-097, 2-098, 2-100, 2-101, 2-102, 2-103, 2-104, 2-105, 2-106, 2-107, 2-108, 2-109, 2-110, 2-112, 2-115, 2-116, 2-117, 2-118, 2-119, 2-120, 2-121, 2-122, 2-123, 2-124, 2-125, 2-126, 2-127, 2-129, 2-131, 2-133, 2-134, 2-135, 2-136, 2-138 and 2-139. Councilman Ruppberger seconded the motion and these issues were passed by the following roll call vote:

Aye - Mintz, Ruppberger, Bachur, Lauenstein, Evans, Volz
Nay - None
Absent - Hickernell

Councilman Mintz then moved for the following changes in the Second District Comprehensive Zoning Map:

Issue 2-001 from DR 2 to MUR and DR 5.5 as shown on the overlay. Motion was seconded by Councilman Ruppberger and passed unanimously by the six Councilmembers present.

Issue 2-007 from RO to DR 5.5. Motion was seconded by Councilman Ruppberger and passed unanimously by the six Councilmembers present.

Issue 2-016 from BL to ML-QNS and BL as shown on the overlay. Motion was seconded by Councilman Ruppberger and passed unanimously by the six Councilmembers present.

Issue 2-018 from RO to DR 16. Motion was seconded by Councilman Volz and passed unanimously by the six Councilmembers present.

Issue 2-021 from RO to RP. Motion was seconded by Councilman Lauenstein and passed unanimously by the six Councilmembers present.

Issue 2-022 from RO to RO and DR 5.5 as shown on the overlay. Motion was seconded by Councilman Bachur and passed unanimously by the six Councilmembers present.

-4-

Report by the Baltimore County Planning Board to the Baltimore County Board of Appeals

ZONING RECLASSIFICATION PETITIONS

Cycle III, 1990

July 31, 1990



Dennis F. Rasmussen
County Executive

BALTIMORE COUNTY, MD
ACCOMMODATIONS OF THE OFFICE OF PLANNING AND ZONING
AND THE PLANNING BOARD
July 31, 1990

ITEM NO. and PETITIONER	LOCATION	ACREAGE	EXISTING ZONING	REQUESTED ZONING	OFF RECOMMENDATION	PLANNING BOARD
ITEM NO. 1 A. Shaw Hirschfeld, MD et al, R-90-402; 9/11/90	S/S Frederick Rd, 95.63' N. of centerline of I-95 Ave. (303 Frederick Rd)	0.27	D.R. 5.5	R.O.	D.R. 5.5	D.R. 5.5
ITEM NO. 2 Development Realty Company CR-90-401; 9/19/90	E/S Alexander Ave., 212' N. of centerline Baltimore Nat'l Pike (46038 Baltimore Nat'l Pike, Cloness West Shopping Center)	.111±	D.R.5.5	B.R.	B.R.	B.R.
ITEM NO. 3 J.R. Development Corp. R-90-402; 9/26/90	S/S Johnnycake Rd, 310' ± 1250' W. of Fairbrook Rd; also 1600' ± 2119' S. respectively to beg. pts.	0.75 (0.8.5.5) 0.03 (0.8.10.5)	D.R.5.5/ D.R.10.5	O-2	O-2	O-2
ITEM NO. 4 Estate of Sol Goldman CR-90-403 ESRH; 9/26/90 Crown Central Petroleum Corp.	N/W cor. Liberty & Brenbrook Rds (48716 Liberty Rd)	0.733	B.L.-C.C.C.	B.L.-C.S.A. or B.L.-C.R.S.	B.L.-C.S.A. or B.L.-C.R.S.	B.L.-C.S.A. or B.L.-C.R.S.
ITEM NO. 5 Franklin Blvd, Ltd. Partnership/ Continental Realty Investors Corp. - R-90-404-1d; 10/4/90	W/S Cherry Hill Lane, 420' ± SW of centerline Taraogee Rd, Ext., also SE/S Franklin Blvd	.19	D.R. 2	R.O.	D.R. 2	D.R. 2
ITEM NO. 6 J.R.C. Holding Corp. c/o John F. Owens R-90-405; 10/10/90	SE/S Cherry Hill Rd West, and Franklin Blvd, 180' SW of Taraogee Rd	1.415± (0.501 acre)	D.R. 2 (0.501 acre)	D.R. 5.5	.501 acre parcel D.R. 2	D.R. 2
			D.R. 3.5 (0.709 acre)	D.R. 5.5	.709 acre parcel D.R. 5.5	D.R. 5.5
			D.R. 5.5 (0.205 acre)	D.R. 16	.205 acre parcel D.R. 16	D.R. 16
ITEM NO. 7 State Highway Administration R-90-406; 10/16/90 Town Center Associates A & B	N/S 1-795, 500' E. centerline Painters Mill Road	0.95	N.L.	B.N.	N.L.	B.N.

CYCLES/TOTAL
7/31/90

7

Property was recorded incorrectly on the Baltimore County Tax Map. That drafting error was carried over onto the 1988 Zoning Map. As a result, the shaded area of the Property, as shown on the accompanying Plat, was improperly zoned D.R.5.5. instead of O-2.

4. It was the intention of the Baltimore County Council to have the shaded areas, as shown on the accompanying Plat, zoned O-2.

5. The correction of the Zoning Map and records is important to the Petitioner, and it has filed this Petition to seek that the official zoning maps and records of Baltimore County be corrected to reflect proper zoning of the subject property.

WHEREFORE, Plaintiff, J.R. Development Corporation, respectfully requests the Board of Appeals to pass an Order to correct the zoning records by rezoning a portion of the Property to O-2 from D.R.5.5., so that it would have its proper O-2 zoning classification.

2



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

October 23, 1990

Jonathan A. Azrael, Esquire
Azrael, Gann and Franz
101 E. Chesapeake Avenue
5th Floor
Towson, Maryland 21204

Re: Case No. R-90-402 (J.R. Development Corporation)

Dear Mr. Azrael:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Linda M. Kuszmaul
Legal Secretary

Enclosure

cc: J.R. Development Corporation
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

J. R. Development Corporation
401 Washington Avenue, Suite 502
Towson, Maryland 21204

Re: Petitions for Zoning Re-classification
CASE NUMBER: R-90-402
S/S Johnnycake Road, 310' and 1250' W of Fairbrook Road
1600' ± and 2119' South respectively to beginning points
Legal Owner(s): J. R. Development Corporation
Hearing Scheduled: TUESDAY, SEPTEMBER 25, 1990 at 10:00 a.m.

Dear Petitioner(s):

This is to advise you that \$44.25 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and mail it to Ms. G. Stephens, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, before the hearing.

Very truly yours,

J. Robert Haines
Zoning Commissioner

cc: File
Jonathan A. Azrael, Esq.

STATEMENT TO ACCOMPANY PETITION FOR REZONING

1. Petitioner, J.R. Development Corporation, is the fee simple owner of three (3) tracts or parcels of ground located in the First Election District of Baltimore County, situated on the south side of Johnnycake Road, known as Lots 10, 11, 12, 13, 14 and 15, as shown on the Plat of Hebrew Colonial Society, Plat Book W.P.C. No. 3, folio 21 (hereinafter called "the Property"), and more fully described in four (4) Deeds. Copies of said Deeds are attached hereto and made a part hereof (collectively) as Exhibit No. 1.

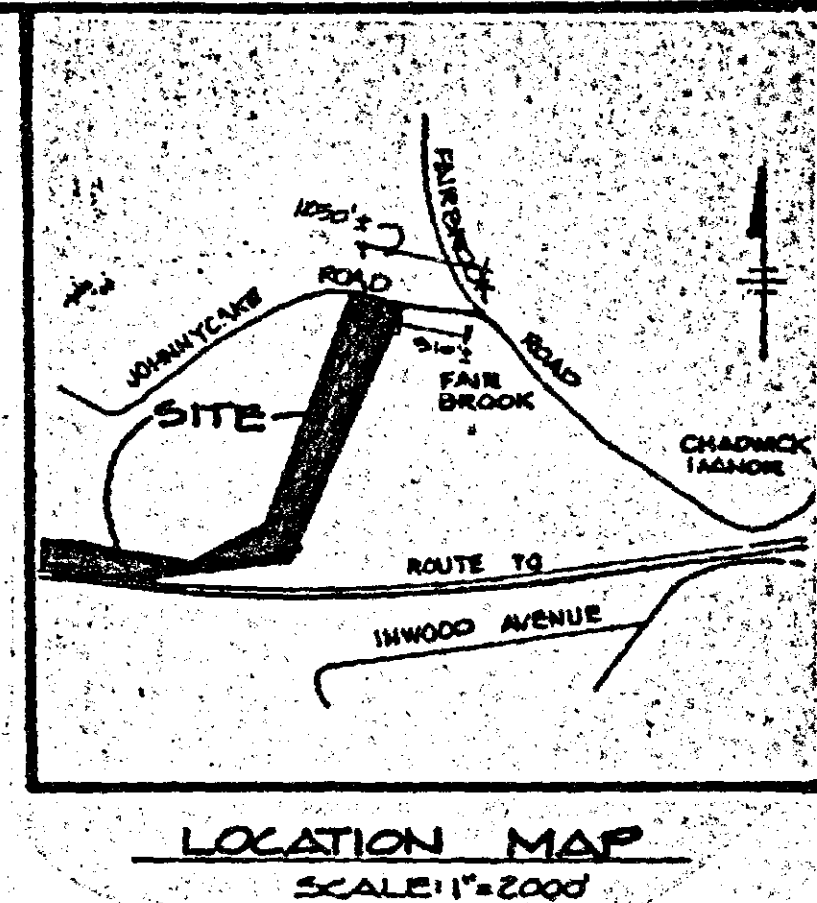
2. In the Comprehensive Rezoning Process of Baltimore County in 1988, Petitioner sought to rezone the Property from the zoning designations D.R.5.5. and RC-3 to the zoning designations O-2 and D.R.5.5. These requests were identified in the 1988 rezoning process as Comprehensive Zoning Map Issues 1-026 and 1-014. The intent and the desire of the Plaintiff was to have the O-2 zoning line drawn along the western boundary of the Property, as shown on the Plat of the Property, which accompanies this Petition. The County Council unanimously approved Issues 1-026 and 1-014, changing the zoning classification of the Property from D.R.5.5. to O-2 and D.R.5.5.

3. When the 1988 Zoning Map was drawn, however, there was a drafting error. The zoning line was to follow and be coincident with the western boundary of the Property, as shown on the accompanying Plat, but the location of the western boundary of the

1

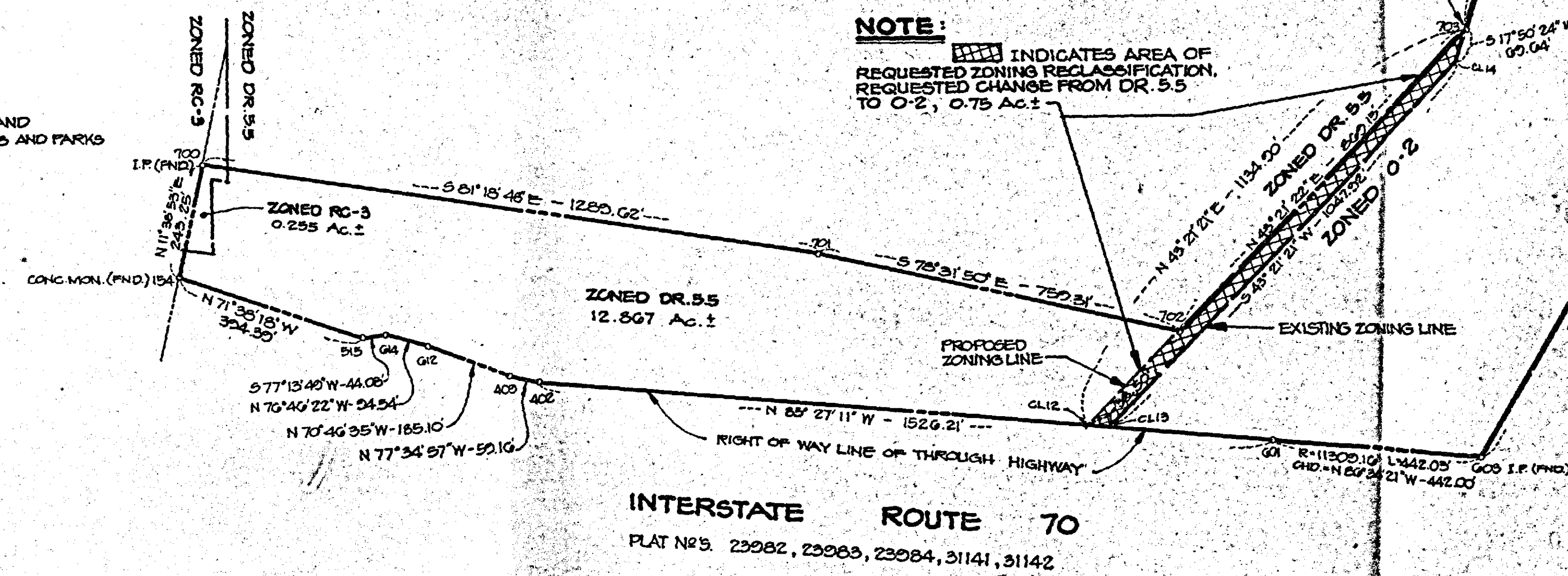
COORDINATES					
NR	NORTH	EAST	NR	NORTH	EAST
503	6559.00	-44102.22	605	3567.42	-45102.65
504	6192.21	-47825.04	601	3593.85	-45910.84
501	3066.13	-46550.21	402	3714.87	-47192.77
502	3817.14	-45804.03	403	3727.60	-47190.05
505	4449.10	-45300.30	612	3788.54	-47504.85
1010	6400.48	-44500.10	614	3810.17	-47456.85
500	6309.23	-43695.99	619	3800.43	-47499.84
504	4635.18	-44450.45	154	3924.07	-47574.15
505	4515.25	-44424.90	212	3923.21	-45288.92
506	4775.52	-44447.48	214	4382.81	-45250.70
507	4794.85	-44482.03	213	3660.86	-45950.13
			215	4691.90	-44452.95
			216	4791.04	-44475.15

NOTE: COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS: 12540 N 6724.37 E -43264.30 X-4157 N 6357.70 E -44145.10



W 48,000
N 5,000

STATE OF MARYLAND
DEPARTMENT OF FORESTS AND PARKS
5465 / 207



NOTE: [Hatched box symbol] INDICATES AREA OF REQUESTED ZONING RECLASSIFICATION, REQUESTED CHANGE FROM DR. 5.5 TO O-2, 0.75 Ac.±

NOTE: [Hatched box symbol] INDICATES AREA OF REQUESTED ZONING RECLASSIFICATION, REQUESTED CHANGE FROM DR. 10.5 TO O-2, 0.03 Ac.±

NOTES:
1. OWNER: J.R. DEVELOPMENT CORPORATION.
2. EXISTING ZONING: PROPOSED ZONING:
ZONED: AREA: ZONED: AREA:
DR. 10.5 — .03 Ac.± DR. 10.5 — 0 Ac.±
DR. 5.5 — 13.617 Ac.± DR. 5.5 — 12.867 Ac.±
O-2 — 49.078 Ac.± O-2 — 47.458 Ac.±
RC-3 — .255 Ac.± RC-3 — .255 Ac.±
3. ACREAGE OF AREAS TO BE REZONED:
AREA OF EXISTING O-2 ZONING = 49.078 Ac.±
AREA OF REQUESTED CHANGE FROM DR. 5.5 TO O-2 = .75 Ac.±
AREA OF REQUESTED CHANGE FROM DR. 10.5 TO O-2 = .03 Ac.±
TOTAL PROPOSED ACREAGE OF O-2 ZONING = 47.458 Ac.±



PLAT TO ACCOMPANY
ZONING RECLASSIFICATION PETITION
J.R. DEVELOPMENT CORP.
1ST ELECTION DISTRICT BALTIMORE COUNTY, MD
SCALE: 1"=200' FEBRUARY 27, 1990

D.S. THALER & ASSOC. INC.
CIVIL ENGINEERS SURVEYORS
LANDSCAPE ARCHITECTS
7115 AMBASSADOR ROAD
BALTIMORE, MARYLAND 21207
(301) 244-3647 FAX: (301) 244-3054

#3
R-90-402

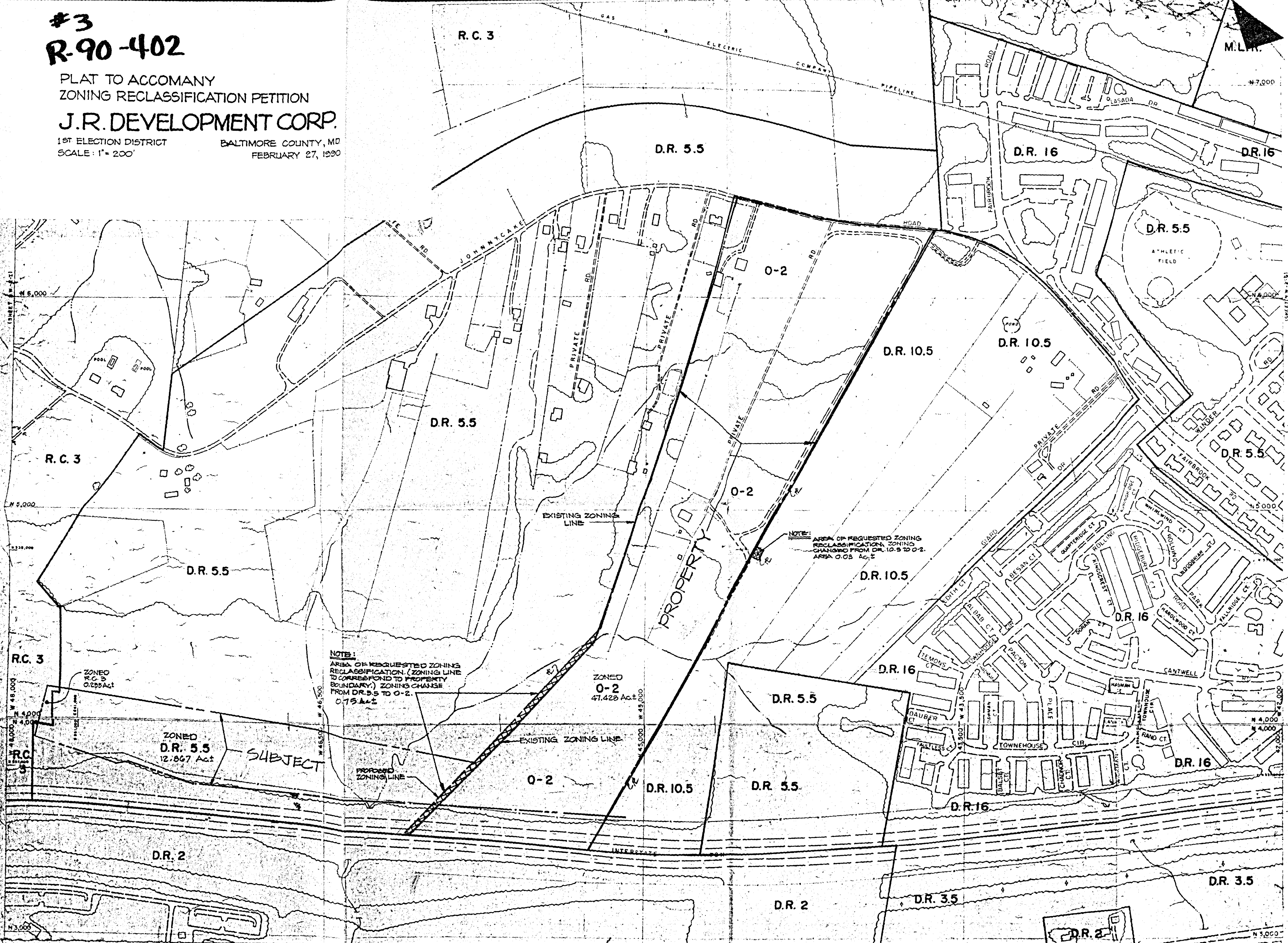
#3
R-90-402

PLAT TO ACCOMANY
ZONING RECLASSIFICATION PETITION

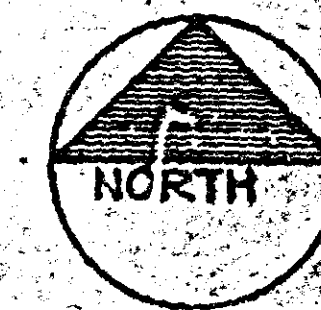
J.R. DEVELOPMENT CORP.

1ST ELECTION DISTRICT
SCALE: 1" = 200'

BALTIMORE COUNTY, MD
FEBRUARY 27, 1990



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP



SCALE
1" = 200'
DATE
OR
PHOTOGRAPHY
JANUARY

LOCATION
BELMONT
AREA

SHEET
N. W.
1-H
2-H

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 17, 1988

88 Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

Del. J. V. V.
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS